

**MEETING MINUTES**  
**Board of Mental Health Practice**  
January 5, 2018

These minutes were approved by  
the Board on March 23, 2018.

**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:03 a.m. in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Dale Battleson Chante Chambers Susan Feyen William Gaughan Thomas Maxson Terrance Moore Sarita Ruma	Chair Member Vice-Chair Member Member Member Secretary
Members Absent:	Cassandra Dittmer L. Janeen Gill Tamara Kenning	Member Member (arrived 9:12 a.m.) Member (arrived 9:23 a.m.)
Others Present:	Kris Chiles Mindy Lester Jeff Newman Dennis Scott Carla Cue Kathleen Krueger Larry Wiehn Trevor Klaassen Anna Harrison	Program Manager, Licensure Unit Assistant Attorney General Investigator Investigator Investigator Investigator Investigator Investigator Compliance Monitor

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Moore moved, seconded by Ruma, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gill, Kenning (3). Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES (11-3-17)**

**MOTION:** Gaughan moved, seconded by Moore, to approve the minutes of 11-3-17. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gill, Kenning (3). Abstain: None (0). Motion carried.

**4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Moore moved, seconded by Ruma, to enter into closed session at 9:06 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Maxson, Moore, Ruma (7). Voting nay: None (0). Absent: Dittmer, Gill, Kenning (3). Motion carried.

9:12 a.m.	-	Gill entered meeting
9:22 a.m.	-	Feyen departed meeting (conflict)
9:23 a.m.	-	Kenning entered meeting
9:24 a.m.	-	Feyen entered meeting
9:36 a.m.	-	Feyen and Ruma departed meeting (conflict)
9:41 a.m.	-	Feyen and Ruma entered meeting
9:41 a.m.	-	Newman departed meeting
10:08 a.m.	-	Ruma departed meeting (conflict)
10:10 a.m.	-	Battleson departed meeting
10:12 a.m.	-	Battleson entered meeting
10:15 a.m.	-	Ruma entered meeting

Moore departed meeting (conflict)  
10:25 a.m. - Moore entered meeting  
10:31 a.m. - Cue, Wiehn, Klaassen, Krueger, Scott and Harrison departed meeting  
10:32 a.m. - Break  
10:52 a.m. - Meeting resumed

**MOTION:** Ruma moved, seconded by Chambers, to enter into open session at 11:16 a.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

#### **5. REVIEW, RECOMMENDATIONS AND REPORT OUT**

- Applications, Mail Ballot Report and Reinstatements

##### **Korena Nolan – MSW Reinstatement**

**MOTION:** Feyen moved, seconded by Moore, based on a decision made at the November 2017 meeting, to recommend issuance of the license. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Gill, Kenning, Moore, Ruma (7). Voting nay: None (0). Abstain: Chambers, Maxson (2). Absent: Dittmer (1). Motion carried.

##### **Cami Sazama – CSW Applicant**

**MOTION:** Gill moved, seconded by Kenning, to defer and request additional information. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gill, Kenning, Maxson, Moore, Ruma (8). Voting nay: None (0). Abstain: Gaughan (1). Absent: Dittmer (1). Motion carried.

#### **6. REGULATIONS: GOVERNOR'S EXECUTIVE ORDER UPDATE AND REVIEW, DISCUSSION AND SUGGESTED CHANGES TO 174 NAC 94**

Chiles reported that the Executive Order issued by the Governor, which suspended all rulemaking, ended 12-31-17. She indicated that directions for future regulations should be forthcoming. Chiles also indicated that the internal regulation process has changed and that in the future Department attorneys will be writing rules and regulations; DHHS staff will provide stakeholder information to the attorneys. Chiles reported that Dr. Williams has indicated that he will be contacting the Mental Health Practice Board Chair for conversation relating to the regulations.

Feyen reported that Maxson had written proposed regulation language for major mental illness and setting up a meeting with representatives of the Board of Psychology had been discussed at the last meeting. Feyen stated she has a meeting with Stephanie Bruhn and Stacey Waldron from the Psychology Board next week. Maxson cannot be at the meeting but Battleson may be attending.

Maxson's proposed language follows:

"002.14 MAJOR MENTAL DISORDER. Any mental and emotional disorder in which the following behaviors occur or might reasonable to expected to occur regardless of specific diagnoses or the nature of the presenting complaint:

1. Persistent and/or severe suicidal or homicidal thinking and/or behaviors;
2. Persistent and/or severe behaviors injurious to self and/or others;
3. Psychotic symptoms which include delusions, hallucinations, or formal thought disorders;  
or
4. Physical complains or signs suggestive of deterioration or anomaly in physiological, psychophysiological or neuropsychological functioning.

The following diagnoses as referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases are examples of major mental disorders:

1. Schizophrenia;
2. Schizoaffective Disorder;
3. Major Depressive Disorder, severe;

4. Bipolar I Disorder.

Certain diagnoses which are referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases, such as Post Traumatic Stress Disorder, Dissociative Identity Disorder, Major Depressive Disorder, Bi-Polar II Disorder, severe eating disorder, and Borderline Personality Disorder, are more likely than others to demonstrate one or more of the above behavioral criteria, although these diagnoses alone do not constitute a major mental disorder.”

The Board discussed removing the examples and be more symptom based in content. It was suggested that it be more of a discussion with the Board of Psychology representatives to see what they think. Feyen will report back to this Board.

Chiles reported she had forwarded to the Board an AASCB endorsement for reciprocity which AASCB would like boards to adopt. The Board reviewed and compared the AASCB endorsement proposal with the draft language proposed in Nebraska regulations. It was determined that the regulation proposal was more inclusive than the AASCB proposal therefore would not be suggesting any regulatory changes.

**7. MEDICAID REIMBURSING APPLIED BEHAVIORAL ANALYSTS – FUNCTIONAL ASSESSMENTS (CONTINUED DISCUSSION)**

Chiles reported that she and Teresa Hampton, Department Attorney, will be meeting with staff from the Medicaid office on Monday regarding this item and will report back to the Board.

**8. UPDATES AND REPORTS**

**a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health**

AASCB – There was no report.

AMFTRB – Battleson reported he was invited to be on a panel regarding the national examination.

ASWB – Feyen reported she is on the examination workgroup and many states are talking about de-regulation. She stated she would like to attend the Spring Education Meeting in Halifax, Nova Scotia on May 17-19, 2018, but was not sure if it could be considered the annual meeting. Chiles suggested that she submit information on the meeting to the Department for travel consideration.

**MOTION:** Ruma moved, seconded by Moore, to approve funding for attendance at the ASWB meeting on May 17-19, 2018. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

Citizen Advocacy Center – There was no report.

Justice Behavioral Health Committee – Kenning attended for Maxson. She reported the issues were: 1) Medication in prisons, 2) Getting individuals on board with the ASI and CASI, and 3) Filing seats on the Committee.

**b. DISCIPLINARY/NON-DISCIPLINARY REPORT/LICENSURE STATISTICS/ADMINISTRATIVE PENALTY FEES ASSESSED**

Chiles reported that for 2017 the following number of licenses were processed by staff:

LIMHP – 183  
LMHP – 194  
CPC – 68  
MFT – 7  
MSW – 62  
CMSW – 6  
PLMHP – 337

PL CMSW – 98  
CSW - 69

The Board changed the date of the March meeting from March 2<sup>nd</sup> to March 23<sup>rd</sup>.

## **9. NEW BUSINESS**

### **a. 2018 Legislation Introduced**

Chiles reported the legislative session stated on March 3, 2018, and was a 60 day session (ending April 18<sup>th</sup>). Bills introduced that may be of interest of this Board were presented.

**LB 686** – Adopt a psychology interjurisdictional compact. The compact would be across the U.S, and apply to tele-psychology only. It would not exist until 7 states join and currently only 3 have joined. Also creates a 30 day temporary license. Additionally, under consultation for mental health, it added psychology interjurisdictional compact licensed psychologists.

**LB 834** – Applies to all under the UCA and waives fees for initial licensure if certain exemptions are met. The exemptions include:

1. Low-income individual means an individual enrolled in a state or federal public assistance program, including, but not limited to, the medical assistance program established pursuant to the Medical Assistance Act, the federal Supplemental Nutrition Assistance Program, or the federal Temporary Assistance for Needy Families program, or whose household adjusted gross income is below one hundred thirty percent of the federal income poverty guideline, or a higher threshold to be set by the Licensure Unit of the Division of Public Health of the Department of Health and Human Services;
2. Military families means active duty service members, honorably discharged veterans, spouses of active duty service members or honorably discharged veterans, and unremarried surviving spouses of deceased service members;
3. Young worker means an applicant under section 2 of this act who is between the ages of eighteen and twenty-five years.

This bill also states that the individual must apply for the waiver and the licensing authority shall process the application within thirty days after receiving it from the applicant.

The Board voiced concerns about this bill in terms of how was the application processing work going to be paid if fees were waived.

**LB 836** - Bill states: "A mental health practitioner licensed under the Mental Health Practice Act may provide diagnostic testing, evaluation, and treatment for outpatient mental health, alcohol addiction, and drug addiction services to a minor without the consent or notification of a parent or guardian at the request of the minor if the mental health practitioner determines that the minor is knowingly and voluntarily seeking the services and provision of the services is clinically indicated for the minor's well-being and documented in the clinical record. The treatment may only continue for six sessions without parental consent or notification, unless the requirement of parental consent or notification would be seriously detrimental to the minor's well-being as documented in the minor's record. This section does not authorize a minor to receive convulsive therapy, psychosurgery, surgery, or, except as otherwise provided in this section, psychotropic drugs without the consent of the minor's parent or guardian. A minor sixteen years of age or older may consent to the administration of psychotropic medications, without the consent of a parent or guardian or the authorization of the court, only when the minor's parent or guardian is not reasonably available, when requiring the consent would have a detrimental effect on the minor, or when the parent or guardian refuses to consent. In each of these situations medication may be administered only where clinically indicated."

It was discussed that some content did not apply to mental health as mental health practitioners, specifically mental health practitioners cannot do surgery or prescribe medications.

**LB 344** – Chiles reported this bill was introduced last session and was a carry over to this session. In terms of mental health practice, additional examinations were added and the proposal that a provisional mental health practitioner would have 30 days to register a supervisor upon obtaining a license. Chiles

discussed a possible amendment to the bill, specifically an applicant for a provisional mental health practitioner would not need to register his/her supervisor with the Department. It was discussed that individuals often do not send in change of supervisor forms and then work hours are lost. It was felt there are safeguards in the statutes because they state what credential a supervisor must hold. The Board agreed there was no need to require the registration of a supervisor.

Gill commented she would like to have a retreat with perhaps some type of education component with the psychology, LADC and mental health board. Chiles commented there would need to be more clarity as to what would be the purpose and that it would be put on the next agenda.

b. Approval of the Method of Noticing Meeting Agendas

**84-1411.** (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes.

Chiles reported that currently meeting agendas are placed on the Department website, posted in the lobby of the Licensure Unit, and provided to anyone who requests a copy.

**MOTION:** Feyen moved, seconded by Ruma, to notice meeting agendas the same in 2018 as 2017. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

## 10. ELECTIONS AND APPOINTMENTS

a. Election of Officers

**MOTION:** Gill moved, seconded by Ruma, to elect Feyen as Chair. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

**MOTION:** Maxson moved, seconded by Ruma, to elect Moore as Vice-Chair. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

**MOTION:** Gill moved, seconded by Feyen, to elect Ruma as Secretary. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Gill, Kenning, Maxson, Moore, Ruma, (9). Voting nay: None (0). Absent: Dittmer (1). Motion carried.

b. Appointment of Investigative Consultants and Education Reviewers

The following investigative consultants were appointed:

SW – Moore  
MH/CPC – Gill; Maxson as second  
MFT – Battleson

Gill was appointed as education reviewer.

## 11. ADJOURNMENT

Battleson adjourned the meeting of the Board of Mental Health Practice at 1:30 p.m.

Respectfully Submitted,

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Sarita Ruma, Secretary  
Board of Mental Health Practice

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit